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Date of Signature



Case No. 10716/57

Genentech and CuraGen Nos. 1885R1 and CURA-233

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Pennica et al.

Serial No.: 09/816,653

Attention: Manager,
Application Branch

Filed: March 23, 2001

For: NOVEL HUMAN STRA6-
LIKE PROTEIN AND
NUCLEIC ACIDS
ENCODING THE SAME

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
FILING DATE GRANTED**

Commissioner for Patents
Washington, D.C. 20231

Attn.: Box Missing Parts

Dear Sir:

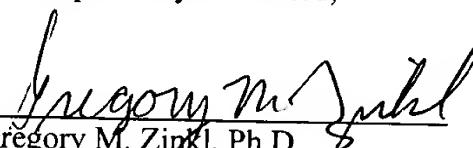
In accordance with the Notice to File Missing Parts of Application Filing Date Granted dated June 25, 2001, a copy of which is attached, enclosed herewith for filing are the following documents:

- Fully executed Declaration for Patent Application and Power of Attorney for the above-referenced patent application.
- Applicant is:
 - a small entity, verified statement is:
 - attached
 - already filed
 - other than small entity
- Checks totaling \$1670.00 for:
 - Filing Fee of \$710.00.
 - Surcharge of \$130.00.
 - Additional Claim Fees of \$830.00.
- Petition for Extension of Time (37 C.F.R. § 1.136(a)) to file missing parts (in duplicate).
- Other: Sequence Listing.
- The Commissioner is hereby authorized to charge any deficiencies in fees or credit overpayment to Deposit Account No. 23-1925. A duplicate copy of this paper is enclosed.

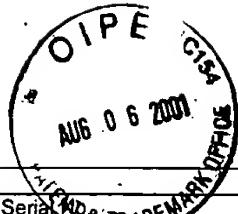
Respectfully submitted,

Dated:

8/1/61


Gregory M. Zipkl, Ph.D.
Registration No. P-48,492
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610
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TRANSMITTAL LETTER			Case No. 10716/57
Serial No. & TRADEMARK OFFICE 09/816,653	Filing Date March 23, 2001	Examiner Unknown	Group Art Unit 1641
Inventor(s) Pennica et al.			
Title of Invention NOVEL HUMAN STRA6-LIKE PROTEIN AND NUCLEIC ACIDS ENCODING SAME			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is a Response to Notice to File Missing Parts of Application; Declaration; Power of Attorney; copy of Notice to File Missing Parts of Application; Sequence Listing; Change of Correspondence Address and Change of Attorney Docket Number; check in the amount of \$1670.00 and return postcard.

- Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- A verified statement to establish small entity status under 37 CFR §§ 1.9 and 1.27 is enclosed.
- Petition for a _____ month extension of time.
- No additional fee is required.
- The fee has been calculated as shown below:

					Small Entity		Other Than Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Add'l Fee
Total		Minus			x \$9=		x \$18=	
Indep.		Minus			x 40=		x \$80=	
First Presentation of Multiple Dep. Claim					+\$135=		+\$270=	
					Total add'l fee	\$	Total add'l fee	\$

- Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$_____. A duplicate copy of this sheet is enclosed.
- A check in the amount of \$1670.00 to cover the filing fee is enclosed.
- The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

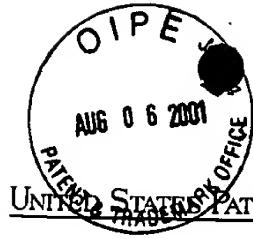
Respectfully submitted,

Gregory M. Zinkl, Ph.D.
Registration No. P-48492
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

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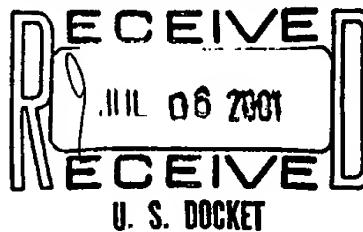
APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/816,653	03/23/2001	Luca Rastelli	10716/57

PAUL RAUCH
 1517 CORCORAN ST., N.W.
 WASHINGTON, DC 20009

BRINKS HOFER GILSON & LIONE

CONFIRMATION NO. 6857

FORMALITIES LETTER



Date Mailed: 06/25/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$830.
 - \$270 for 15 total claims over 20.
 - \$560 for 7 independent claims over 3 .
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1670.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such

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request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



**User Manual/Quick Reference Guide
for
Computer Readable Form/Checker Version 3.0**

June 27, 2000

Prepared for:
United States Patent and Trademark Office



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SECTION 1 INTRODUCTION

1.1 What is Computer Readable Form/Checker Version 3.0?

The Computer Readable Form/Checker Version 3.0 application is a state-of the-art Windows-based software program employing a logical and intuitive user-interface to validate and convert patent applications compliant with 37 C.F.R. 1.821 – 1.825 for both “old rules” (October 1990) and “new rules” (July 1998). CRF/Checker replaces the previous DOS-based versions of CRF and Checker, and is Y2K-compliant.

Computer Readable Form is a patent application receipt system developed by USPTO that reads, verifies, and validates electronic submission data from patent applicants. Submitted sequence listings are incorporated into the Automated Biotechnology Sequence Search (ABSS) database of pending application files.

Checker allows public users to check sequence listings before submitting them to the United States Patent and Trademark Office (USPTO).

1.2 Conventions for this User Manual

Consistent visual cues and standard keyboard operations are used throughout this manual. These conventions are listed in Table 1-1.

Table 1-1 Manual Conventions

Notation	Represents	Example
✓	Process the command with a mouse action.	✓ Select Open from the file menu.
✉	Process the command with the keyboard.	✉ Enter changes into the Edit field.
Bold type	Name of a function, file, menu item, or programming construct.	✓ Click on Exit .
	An informative message to the user.	NOTE: <i>You cannot access the Checker menu bar unless you close the Checker Main menu by ✉ clicking on the Exit button.</i>
	Caution messages to alert the user to a potential error condition.	 <i>You can not view the File Processing - Queue window if the Process File window is open. You must ✓ click on the [Cancel] button to close the Process File window, and then check the queue.</i>

SECTION 2 SYSTEM REQUIREMENTS AND CHECKER ACCESS

2.1 Checker System Requirements

Checker installation initially occupies about 5 megabytes of disk space after the download file (Checker.zip) is expanded. The user must estimate the size of input files to be processed and allow 50% additional space for Checker report files.

The minimum recommended memory requirement for the Checker Version 3.0 public customer workstation is:

- 64 MB RAM
- Cache space, which may expand depending on the file size.

2.2 Checker Access

- To access Checker, click on the **Checker** icon on your desktop.

SECTION 3 CHECKER VERSION 3.0

3.1 Checker Welcome Window

When you open the Checker application, the **Welcome** window is displayed. This window identifies the application and displays the copyright information for the software.

- ~ Click on the  button to work in the Checker application.

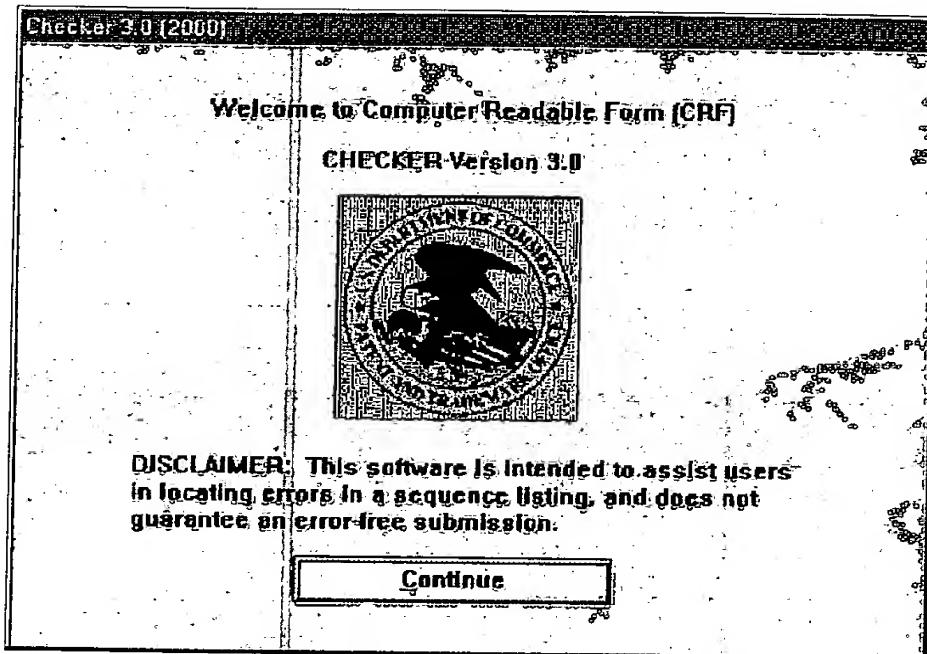


Figure 3-1 Checker Welcome Window

3.2 Checker Main Menu Window

When you open the Checker application, the **Checker Main Menu** window, shown in Figure 3-2, is automatically displayed.

The **Checker Main Menu** includes five buttons:

- Edit File**
- Process File**
- View Errors**
- Help**
- Exit**

These buttons are discussed in more detail in Sections 3.2.1 through 3.2.5.

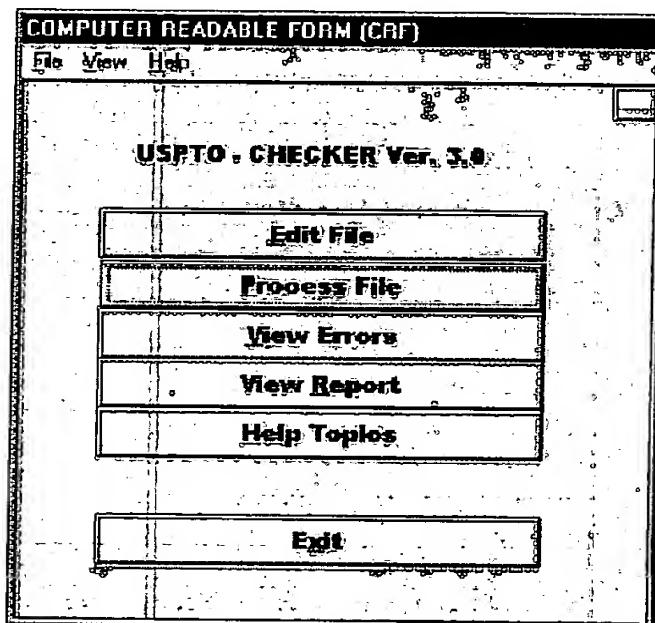


Figure 3-2 Checker Main Menu Window

3.2.1 Checker Edit File Button

To edit a file:

1.  Click on the  button in the Checker Main Menu.

The Open dialog box is displayed.

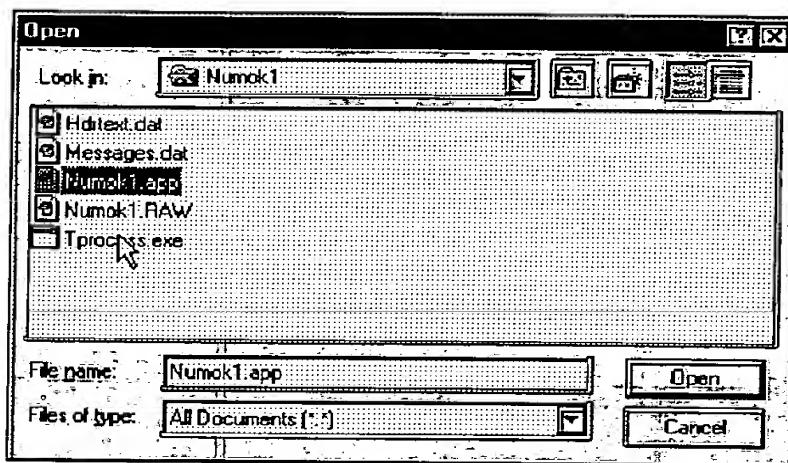
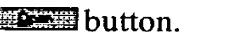
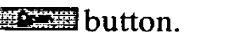


Figure 3-3 Checker Edit File Open Dialog Box

2.  Click on file to be edited.
3.  Click on the  button.

The file is opened in Wordpad or the user's default editor.

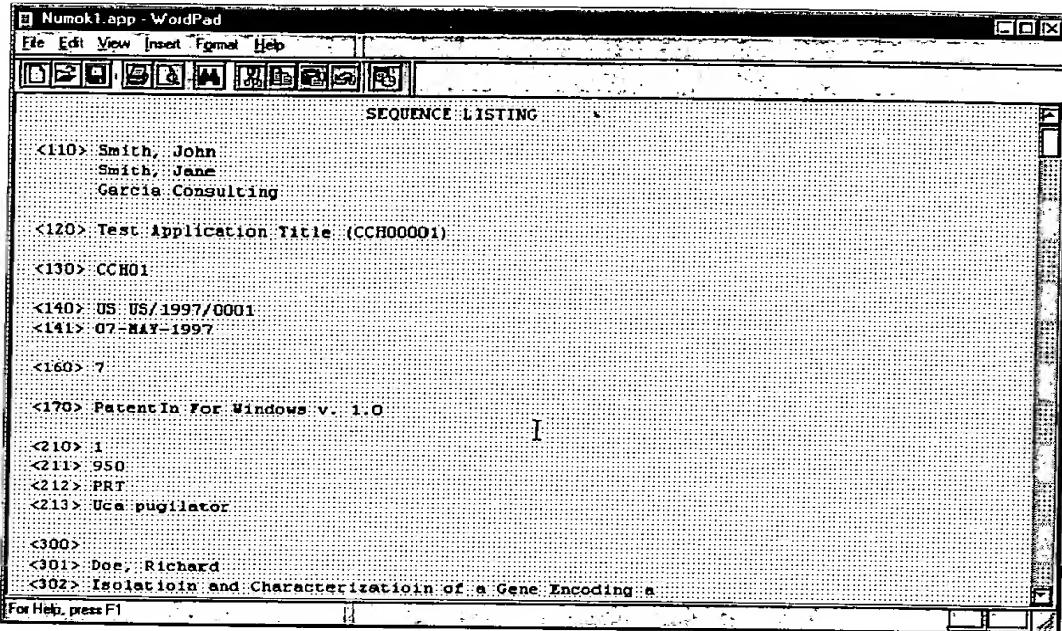


Figure 3-4 Checker Edit File Opened in Workpad

4. Edit file and save.

3.2.2 Checker Process File Button

To process a file:

1. Click on the button in the Checker Main Menu.

The **Open** dialog box is displayed.

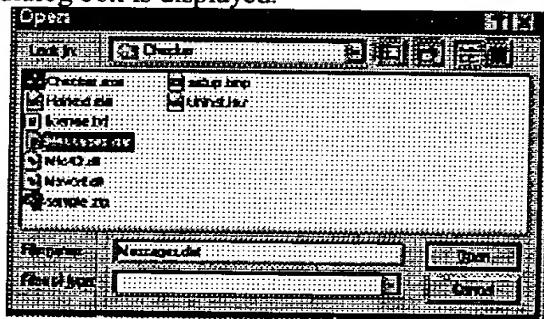


Figure 3-5 Checker Process File Open Dialog Box

2.  Click on the file to be processed.
3.  Click on the  button.

The **Progress Bar** dialog box is displayed.

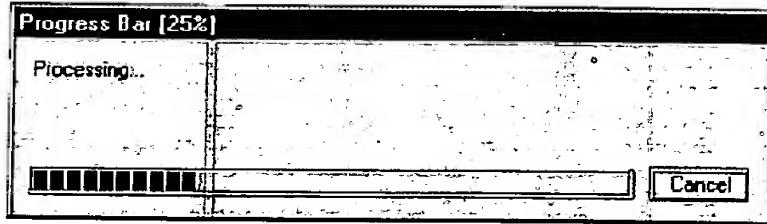


Figure 3-6 Checker Progress Bar Dialog Box

4. Click on the button.

If there are errors in the file, the **There Are Errors in Your File** dialog box is displayed.

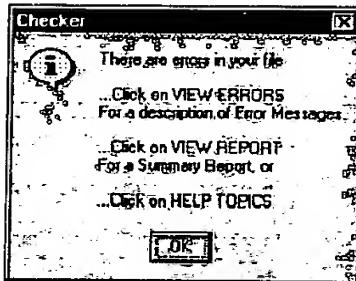


Figure 3-7 Checker There Are Errors in Your File Dialog Box

5. Click on the button.

The **Checker Main Menu** is displayed.

6. To view the file errors, click on the button in the **Checker Main Menu**. Please see Section 4.2.3 for more information on viewing errors.

3.2.3 Checker View Errors Button

To view errors:

Click on the button in the **Checker Main Menu**.
The errors report is opened in Wordpad or the user's default editor.

3.2.4 Checker Help Button

To access the **Checker online help menu**:

Click on the button in the **Checker Main Menu**.

The **Checker online help menu** is displayed.

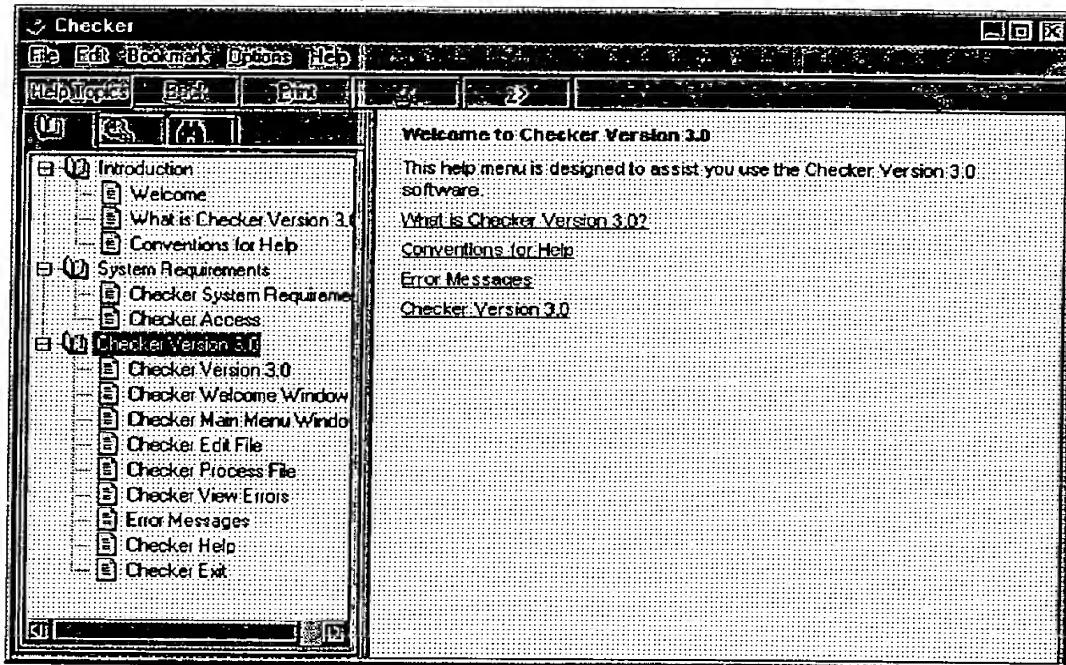


Figure 3-8 Checker Online Help Menu

3.2.5 Checker Exit Button

Click on the button to exit the **Main Menu** and return to the main Checker application page. This allows you to utilize the Checker menu bar.

APPENDIX A LIST OF ACRONYMS

ABSS	Automated Biotechnology Sequence Search
CRF	Computer Readable Format
MB	Megabytes
PC	Personal Computer
USPTO	United States Patent and Trademark Office

APPENDIX B ERROR MESSAGES

All possible error messages in the Checker software are included below.

The legend for error messages is:

C: Corrected text string(s)

E: Error as defined in 32 C.F.R 1.821 – 1.825 rules

S: System Errors

W: Warning as defined in 32 C.F.R 1.821 – 1.825 rules

<u>System Errors</u>	<u>General Messages</u>
100 S: Failure opening input file	110 C: Removed Non-printable characters
101 S: Failure reading input file	111 C: String data converted to upper case
102 S: Failure writing output file	112 C: String data converted to lower case
103 S: Failure allocating memory	113 C: Missing blank line 114 E: Unexpected end of input file
<u>General Header Messages</u>	<u>Alpha Header Messages</u>
200 E: Mandatory header field missing	220 C: Keyword misspelled
201 E: Mandatory field data missing	222 E: Mandatory Keyword missing
202 E: Value must be an Integer	230 E: Invalid or missing General Information
203 E: Calc# of Seq. differs from actual; <: Input (A), Counted (B)>	240 E: Invalid or missing Sequence Header field
204 E: Calc# of Bases differs from actual; <: Input (A), Counted (B)>	241 E: Invalid Alpha Header field
205 E: Calc Length of Seq. Differs from actual; <: Input (A), Counted (B)>	242 E: Mandatory header field value missing
210 E: Invalid Number of Sequences	243 E: Alpha header field expected
212 E: Invalid or duplicate Sequence ID Number	244 E: Invalid beginning of sequence listing

<u>General Header Messages</u> (continued)	<u>Alpha Header Messages</u> (continued)
214 E: Seq.# missing; <: Seq.ID (A)>	245 E: Invalid value of Alpha General Header field
216 E: Seq.#s missing; <: Seq.ID (A) thru (B)>	246 E: Invalid value of Alpha Sequence Header field
218 E: Input File vs. Calc Seq. Length differ; <: Input (A), Calc. (B)>	247 C: Inserted Optional Header Field
	248 E: Inserted missing Mandatory Header Field
	249 C: Inserted Mandatory Field
<u>Numeric Header Messages</u>	<u>Sequence Data Messages</u>
250 E: Invalid Numeric Identifier	300 W: Intentionally skipped Sequence: Sequence Id ()
252 E: Calc# of Seq. differs from actual; <: Input (A), Counted (B)>	301 E: No Sequence Data was Shown
253 E: Calc# of Bases differs from actual; <: Input (A), Counted (B)>	302 E: Unknown or Misplaced Identifier
254 E: Number of Bases conflicts Running Total; <: Input (A), Counted (B)>	310 E: Wrong or Missing Sequence Type
256 E: Numeric Identifier expected	320 E: Wrong Nucleic Acid Designator
257 W: Sequence data Name/Key Feature Missing	321 E: "t" not allowed in the RNA Sequence
258 E: Mandatory Feature Missing	322 E: Invalid Residue in Sequence
259 E: Field exceeds allowed number of lines	330 E: Wrong Amino Acid Designator
270 C: Current Application Number differs	332 E: Invalid/Missing Amino Acid Numbering
271 C: Current Filing Date differs	333 E: Wrong Sequence grouping; <spacing>
280 E: Numeric Identified already exists	334 E: Invalid Amino Acid in Coding Region
281 E: Numeric fields not Ordered	336 E: Invalid Amino Acid Number in Coding Region

<u>Numeric Header Messages</u> (continued)	<u>Sequence Data Messages</u> (continued)
282 E: Numeric Field Identifier Missing	340 E: "n" or "Xaa" used: Feature required
283 E: Missing blank Line separator; <before this field identifier>	341 W: "n" or "Xaa" used
284 E: Blank Line not allowed; <before this field identifier>	342 E: Invalid Stop Code On Error
285 E: Invalid Journal Date: Wrong YYY-MM-DD, MMM-YYYY or Season- YYYY	344 W: Removed Stop Code On Error
286 E: Invalid Database Entry Date: Wrong YYYY-MM-DD or MMMM- YYYY	351 E: Sequence data Name/Key Feature Out-of-Range
287 E: Invalid Date; <Wrong YYY-MM- DD or MMMM-YYYY>	360 E: Sequence data overflow
288 E: Application Number is Repeated; <PRIOR APPLICATION NUMBER:>	361 E: Invalid Split Codon
289 E: Numeric Identifier Mission or Out- of-Order; <PRIOR APPLICATION NUMBER>	